

IN RE: PETITION FOR VARIANCE  
W/S Aldworth Road, 100' S of  
the c/l of Edworth Road  
(708 Aldworth Road)  
12th Election District  
7th Councilmanic District

Theodoros Fotiou  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-236-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 708 Aldworth Road, located in the vicinity of German Hill Road in Dundalk. The Petition was filed by the owner of the property, Theodoros Fotiou. The Petitioner seeks relief from Section 1B02.3.B (Section VI, 1953) of the Baltimore county Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 0 feet in lieu of the minimum required 10 feet for existing additions. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Theodoros Fotiou, property owner, and his son, Theodoros Fotiou, Jr. Appearing as Protestants in the matter were Robert Morris, Mr. & Mrs. Michael Franchetti and Leola Shaum, all neighbors to the subject site.

Testimony and evidence offered revealed that the subject property consists of 2,642 sq.ft., zoned D.R. 10.5, and is improved with a two-story end-of-group townhouse. The Petitioner purchased the subject property approximately seven years ago at which time a carport existed on the south side of the home, adjacent to the Shaum property. Testimony indicated that the Petitioner enclosed this carport to provide additional storage

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

space and constructed an open porch attached thereto so that there would be a shaded area to sit outdoors in the summer time. Mr. Fotiou testified that they had problems with water seeping into the basement and that the improvements were made to eliminate the problem. Testimony indicated that the storage area is presently used to store furniture and other personal items. It is significant to note that the subject additions are located on the property line abutting the Shaum property. Further testimony revealed that Ted, Jr. lives in the basement of the dwelling and that another couple and their child live on the first and second floors. Apparently, the property currently exists as a two-apartment dwelling.

As noted above, several residents from the surrounding community appeared in opposition to the relief requested, including, Mr. and Mrs. Michael Franchetti, Mrs. Leona Shaum, and Mr. Robert Morris. Mrs. Shaum lives adjacent to the subject site at 710 Aldworth Road. Mrs. Shaum complained about storm water runoff on her property as a result of the subject additions. She testified that many of her flowers have died as a result of the additional water runoff. Further testimony offered by the other residents in this community revealed that the house has been utilized as several apartments in the past and continues to be utilized as a two-apartment dwelling at the present time. These residents testified as to the unsightly nature of the additions which were added to this townhouse and are also concerned as to the structural safety of these additions. Mr. Morris and Mr. Franchetti both characterized the additions as "shabby".

After due consideration of the testimony and evidence offered at the hearing, I am inclined to deny the Petitioner's request for variance. It is apparent that the Petitioner has been utilizing the subject property

ORDER RECEIVED FOR FILING

Date

By

for a multi-family dwelling and that the proposed additions were added to provide additional living space for the tenants. In order for a variance to be granted, the Petitioner must prove that a practical difficulty or unreasonable hardship exists. To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that the requested variance does not meet the requirements of Section 307.1 of the B.C.Z.R. and must be denied. It is equally clear that the subject additions have had a detrimental effect upon the health, safety and general welfare of the neighbor on the affected side and must therefore be removed.

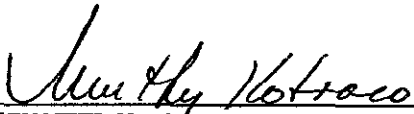
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4<sup>th</sup> day of April, 1996 that the Petition for Variance seeking relief from Section 1B02.3.B (Section VI, 1953) of the Baltimore county Zoning Regulations (B.C.Z.R.) to permit a side yard

setback of 0 feet in lieu of the minimum required 10 feet for existing additions, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioner shall have forty-five (45) days from the date of this Order in which to remove the additions from the south side of the property so that the required 10-foot setback is maintained; and,

IT IS FURTHER ORDERED that the Petitioner shall have thirty (30) days from the date of this Order in which to file an appeal.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 2/14/96

BY [Signature]

IN THE MATTER OF  
THE APPLICATION OF  
THEODOROS FOTIOU -PETITIONER  
FOR A VARIANCE ON PROPERTY  
LOCATED ON THE WEST SIDE  
ALDWORTH ROAD, 100' SOUTH OF  
CENTERLINE OF EDWORTH ROAD  
(708 ALDWORTH ROAD)  
12TH ELECTION DISTRICT  
7TH COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 96-236-A

\* \* \* \* \*

O P I N I O N

This matter was heard by the Board on February 11, 1997 relative to the Petition of Mr. Theodoros Fotiou to permit a side yard setback of 0 feet in lieu of a minimum required 10 feet for existing additions at a property owned by him in the 12th Election District, 7th Councilmanic District, and corresponding to 708 Aldworth Road in the Eastpoint section of Baltimore County. The appeal arose out of an Order by the Deputy Zoning Commissioner of Baltimore County dated April 4, 1996, in which the Petitioner's request for variance was denied. The Petitioner appeared on his own behalf, assisted by Mr. Guido Guarnaccia, who identified himself as an adviser and interpreter. Protestants included Charles Knepp, Norma Knepp, Leola Shrum, and Michael Franchetti. Carole S. Demilio, Deputy People's Counsel for Baltimore County, participated in these proceedings.

Mr. Fotiou testified that he purchased the subject property in 1990 and that at that time it included a previously constructed carport, consisting of a roof and supporting outside wall. He explained that, subsequent to his taking possession, he experienced considerable water leakage in the basement which he believes was generated by tree roots and other difficulties leading into the

MICROFILMED

basement area. He consulted a contractor and incurred several thousands of dollars in an attempt to resolve the difficulties, and testified that the contractor suggested that, as a solution, he complete the addition, by constructing a front and back wall enclosing the existing structure. He testified that the addition was not meant as living quarters, and that, at the time of construction, he received no complaints relative to it from the surrounding community.

Under cross-examination, Mr. Fotiou related that it was his belief that, if the addition were removed, it would result in a renewal of his basement water difficulties and, in any event, would result in a \$10,000.00 to \$15,000.00 loss representing the cost of the construction in 1991, as well as its removal at this time.

Michael J. Franchetti, who has resided at 712 Aldworth Road for 43 years, was the first witness on behalf of the Protestants. He testified that the lots in the area were essentially the same as were the homes built upon them. There were some open carports and what he described as "lots of porches." He testified that the carport which was turned into an addition by the Petitioner came right up to the property line with its neighbor, and that, to the best of his knowledge, the previous owner had not had any complaints or difficulties with water in his basement. Finally, he was concerned about the effect of the addition and its use on the surrounding area, and especially its possible effect to depreciate values of other properties in the neighborhood.

Leola Shrum, a resident of 710 Aldworth Road for 43 years, was

MICROFILMED

next to testify. She is the next-door property owner to the Petitioner, and confirmed that the Petitioner's addition does come up flush with the shared property line. She also testified that she had had no previous or present water problem, and generally echoed the testimony of Mr. Franchetti.

Charles Knepp, a resident at 716 Aldworth Road since 1955, observed in his testimony that all of the lots and houses in the area were essentially identical. He testified to experiencing some minor water difficulties in past years, but had corrected them with gutter extensions and some limited concrete work. He, too, was concerned about the effect of the addition on the surrounding properties and especially on the aesthetics of the neighborhood.

The regulations and applicable case law regarding the granting of zoning variances in Baltimore County are clear and specific. Section 307.1 of the Baltimore County Zoning Regulations (BCZR) provides that the power to grant variances from area regulations exists "only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request, and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship."

Further, case law clearly holds that a variance may only be granted after a two-step inquiry. First, the Zoning Authority must determine whether the subject property is unique and unusual in a manner different from the nature of the surrounding properties such that the uniqueness or peculiarity of the property causes the

MICROFILMED

zoning provision to have a disproportionate impact on the property. If such a finding is made, the Zoning Authority must then determine whether an unreasonable hardship results from the disproportionate impact of the ordinance. Cromwell v. Ward, 102 Md.App. 691, 721 (1995). The "uniqueness" requirement has a rather specialized meaning. The Court of Special Appeals established in the case of North v. St. Marys County, 99 Md.App. 502 (1994) that:

"....the 'unique' aspect of a variance requirement does not refer to the extent of improvements on the property, or upon neighboring property. 'Uniqueness' of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions." Id at 514.

Applying the facts and testimony of this matter to the applicable statutory and case law, this Board finds unanimously that there is simply nothing "unique" about this property. It is exactly like the others in the neighborhood and, other than the addition constructed by the Petitioner, is similar in almost every way to the other properties in the area. The addition was constructed without benefit of permit and was, thus, contrary to the zoning regulations and illegal ab initio. The construction and/or monetary or physical difficulties inherent in the removal of such a structure does not in any way grant it the "uniqueness" required under the law.

Although we clearly take notice of the testimony and concerns of all parties who testified as to the history, use, and effect of

MICROFILMED



the addition constructed by Mr. Fotiou, this Board need not address any further issues upon the Petitioner's failure to satisfy the first requirement of the variance test. We, therefore, unanimously deny Petitioner's request for variance, and order that the subject structure be removed within forty-five (45) days from the date of this Opinion and Order.

O R D E R

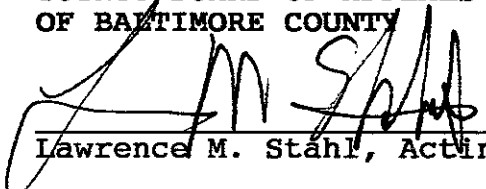
THEREFORE, IT IS THIS 27th day of March, 1997  
by the County Board of Appeals of Baltimore County

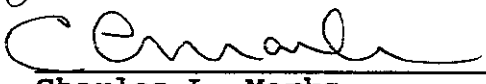
ORDERED that the request for variance from Section 1B02.3.B of the Baltimore County Zoning Regulations to permit a side yard setback of 0 feet in lieu of a minimum required 10 feet for existing additions be and is hereby DENIED; and it is further

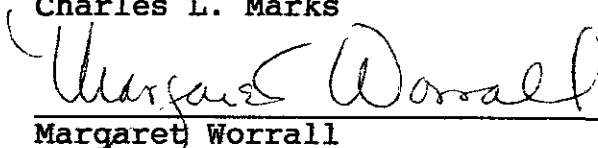
ORDERED that Petitioner shall have forty-five (45) days from the date of this Order in which to remove the subject additions so that the required 10-foot setback is maintained.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
Lawrence M. Stahl, Acting Chairman

  
Charles L. Marks

  
Margaret Worrall

MICROFILMED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

March 26, 1997

Mr. Theodoros Fotiou  
708 Aldworth Road  
Baltimore, MD 21222

RE: Case No. 96-236-A  
Theodoros Fotiou -Petitioner

Dear Mr. Fotiou:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

*Charlotte E. Radcliffe for*

Kathleen C. Bianco  
Legal Administrator

encl.

cc: Leola Shrum  
Mr. & Mrs. Michael J. Franchetti, Sr.  
Robert Morris  
People's Counsel for Baltimore County  
Lawrence E. Schmidt  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

MICROFILMED

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

April 4, 1996

Mr. Theodoros Fotiou  
708 Aldworth Road  
Baltimore, Maryland 21222

RE: PETITION FOR VARIANCE  
W/S Aldworth Road, 100' S of the c/l of Edworth Road  
(708 Aldworth Road)  
12th Election District - 7th Councilmanic District  
Theodoros Fotiou - Petitioner  
Case No. 96-236-A

Dear Mr. Fotiou:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mrs. Leola Shaum  
710 Aldworth Road, Baltimore, Md. 21222

Mr. & Mrs. Michael J. Franchetti, Sr.  
712 Aldworth Road, Baltimore, Md. 21222

Mr. Robert Morris  
7323 Kirtley Road, Baltimore, Md. 21224

People's Counsel; Case File

MICROFILMED



RE: PETITION FOR VARIANCE  
708 Aldworth Road, W/S of Aldworth Road,  
100' S of c/l of Edsworth Road  
12th Election District, 7th Councilmanic

Theodoros Fotiou  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 96-236-A

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of January, 1996, a copy of the foregoing Entry of Appearance was mailed to Theodoros Fotiou, 708 Aldworth Road, Baltimore, MD 21222, Petitioner.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

MICROFILMED



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 708 Aidworth Road

96-236-A

which is presently zoned DR 10.5

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1 B023.B. (Sec VI, 1953) to permit a 0' side yard in lieu of 10'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or  
x practical difficulty)

We had needed some storage space and a place to sit in the summer time, as well as keep the rain from seeping in the basement when we bought the house, the title company didn't tell us there was a problem with the existing structure so we assumed it was fine and just went in line with the house and structure for the porch.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s)

x THEODOROS FOTIOU

(Type or Print Name)

Signature

(Type or Print Name)

Signature

x 708 ALDWORTH Rd. 282-0803

Address

Phone No

x BALTIMORE Md 21222

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

12/6/95

ORDER RECEIVED FOR FILING

Date

By



Printed with Soybean Ink  
on Recycled Paper

Revised 9/5/95

MICROFILMED

96-236-A

Beginning on the west side of Aldworth Road, sixty feet wide, at the distance of 100 ft south of the centerline of Edsworth Road. Being Lot 19 of the Beverly Hills subdivision as recorded in Plat Book GLB 19, Folio 40. Also known as 708 Aldworth Road containing .06 acres in the 12th Election District.

MICROFILMED

# 233

2th

Posting

96-236-A

Variance

Posted 12/24/95

Theodore Fotiou

708 Aldworth Rd, W/S

Frang roadway on property being zoned

Sign 1

Returned 12/24/95

*M. H. Hill*

MICROFILMED

CASE NUMBER: 96-236-A (Item 233)

708 Aldworth Road

W/S of Aldworth Road, 100' S of c/l of Edsworth Road

12th Election District - 7th Councilmanic

Legal Owner: Theodoros Fotiou

HH-2/1

German Hill

Variance to permit a zero foot side yard in lieu of 10 feet.

MICROFILMED

HEARING: TUESDAY, JANUARY 9, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

Part by  
12-25

96-236 A

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

District 12 Date of Posting 9/27/96  
Posted for: CASE No. 96-236 A  
Petitioner: Theodoros Fotiou  
Location of property: 708 Aldworth Road  
Location of Signs: \_\_\_\_\_  
Remarks: \_\_\_\_\_  
Posted by: [Signature] Date of return: 9-27-96  
Number of Signs: 1



MICROFILMED



# CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/22, 19 95

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/21, 19 95.

THE JEFFERSONIAN,

*A. Henrichson*

LEGAL AD. - TOWSON

Publisher

**NOTICE OF HEARING**  
The Zoning Commissioner of Baltimore County, Maryland, of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 on **Monday, December 22, 1995 at 10:00 a.m.**  
**Case No. 23-8-A (Item 23)**  
Address: Edsforth Road, W/S of Alkworth Road, 100' S of off of Edsforth Road  
12th Election District  
7th Councilmanic  
Legal Owner(s):  
Theodoros Fotiou  
Variance: to permit a zero foot side yard in lot of 10 feet.  
Hearing: Tuesday, January 9, 1996 at 10:00 a.m. in Rm. 118, Old Courthouse.  
LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call 887-3353.  
(2) For information concerning the File and/or Hearing, Please Call 887-3391.  
12/14/2 Dec. 21. C23451

MICROFILMED



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

**NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.**

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 233 Petitioner: Fotiou, Theodoros

Location: 708 Aldworth Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Fotiou, Theodoros

ADDRESS: 708 Aldworth Road

Baltimore MD 21222

PHONE NUMBER: 282-0803

MICROFILMED



BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 011168

96-236-A

DATE 12/10/55 ACCOUNT 01-615

Item 233  
B. mtd

AMOUNT \$ 85.05

RECEIVED  
FROM:

Theodore Fotow  
315 - Mrs. Venance - \$ 50.00  
120 - 1 Sign - \$ 35.00  
\$ 85.00

FOR:

MICROFILMED

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 024807

DATE 8/22/96 ACCOUNT A-001-6150

AMOUNT \$ 210.00

RECEIVED  
FROM:

Theodore Ted Fotow  
VARIANCE APPEAL 175.00  
SIGN 35.00  
210.00

FOR:

MICROFILMED

6202310007410000  
24-0000-04AW00-23-04

\$210.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Rye



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

December 15, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-236-A (Item 233)  
708 Aldworth Road  
W/S of Aldworth Road, 100' S of c/l of Edsworth Road  
12th Election District - 7th Councilmanic  
Legal Owner: Theodoros Fotiou

Variance to permit a zero foot side yard in lieu of 10 feet.

HEARING: TUESDAY, JANUARY 9, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Theodoros Fotiou

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County  
Department of Permits and  
Development Management

Permits and Licenses  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
(410) 887-3900  
Fax: (410) 887-2824

January 19, 1996

NOTICE OF REASSIGNMENT

CASE NUMBER: 96-236-A (Item 233)  
708 Aldworth Road  
W/S Aldworth Road, 100' S of c/l Edsworth Road  
12th Election District - 7th Councilmanic  
Legal Owner: Theodoros Fotiou

Variance to permit a zero foot side yard in lieu of 10 feet.

HEARING: THURSDAY, FEBRUARY 1, 1996 at 10:00 a.m. in Room 118, Old  
Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON  
DIRECTOR

cc: Theodoros Fotiou  
Robert Morris

PLEASE NOTE, DUE TO THE AMOUNT OF SNOW NOW ON THE GROUND, THIS OFFICE  
IS UNSURE AS TO THE FEASIBILITY OF REPOSTING THE PROPERTY. WE THEREFORE  
ASK THAT THE PETITIONER USE A BLACK MARKER TO WRITE THE NEW HEARING  
DATE ON THE SIGN. THANK YOU.

MICROFILMED



Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

February 1, 1996

(410) 887-4386

Mr. Theodoros Fotiou  
708 Aldworth Road  
Baltimore, Maryland 21222

RE: Petition for Variance  
Notice of Reassignment  
Property: 708 Aldworth Road  
Case No. 96-236-A  
Old hearing date: January 9, 1996 at 10:00 A.M.  
New hearing date: February 1, 1996 at 10:00 A.M.

Dear Mr. Fotiou:

Please be advised that your hearing regarding the above captioned case was re-scheduled for February 1, 1996 at 10:00 A.M. in Room 118 of the Old Court House in Towson. Neither you nor Mr. Robert Morris, the Protestant in this case, appeared for the hearing.

I would appreciate your calling my office within 10 days from the date of this letter to explain why you did not appear for your hearing.

Thank you for your assistance and cooperation.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name and title.

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm

c: Mr. Robert Morris  
710 Aldworth Road  
Baltimore, Maryland 21222

c: Mr. James H. Thompson, Code Enforcement Supervisor  
Violation Case No. 96-1751

MICROFILMED





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

March 1, 1996

NOTICE OF REASSIGNMENT

Rescheduled from 2/1/96  
CASE NUMBER: 96-236-A (Item 233)  
708 Aldworth Road  
W/S Aldworth Road, 100' S of c/i Edsworth Road  
12th Election District - 7th Councilmanic  
Legal Owner: Theodoros Fotiou

Variance to permit a zero foot side yard in lieu of 10 feet.

HEARING: WEDNESDAY, MARCH 27, 1996 at 9:00 a.m. in Room 106, County  
Office Building.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON  
DIRECTOR

cc: Theodoros Fotiou  
Robert Morris

MICROFILMED



Case No. 96-236-A

Theodoros Fotiou - Petitioner

W/s Aldworth Road, 100' S of c/l Edworth Road  
(708 Aldworth Road)

12th Election District

Appealed: 4/25/96

(see attached vicinity map)

**MICROFILMED**





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

January 2, 1996

Theodoros Fotiou  
708 Aldworth Road  
Baltimore, MD 21222

RE: Item No.: 233  
Case No.: 96-236-A  
Petitioner: T. Fotiou

Dear Mr. Fotiou:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 6, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

MICROFILMED





**Maryland Department of Transportation  
State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

12-18-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 233 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

MICROFILMED

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: Dec. 26, 1995  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Development Plans Review

RE: Zoning Advisory Committee Meeting  
for December 26, 1995  
Items 232, 233, 234, 235, 236, 238, 239,  
240, 241 and 242      S

The Development Plans Review Division has reviewed  
the subject zoning items and we have no comments.

RWB:sw

MICROFILMED

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 12/22/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 18, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 232, 233, 234, 235, 236,  
237, 238, 239, 240, 241 AND 242.

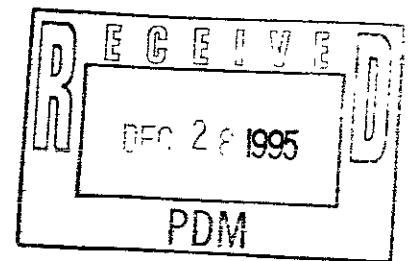
MICROFILMED

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink  
on Recycled Paper



B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO:     Arnold Jablon, Director  
        Permits and Development  
        Management

DATE:   December 28, 1995

FROM:   Pat Keller, Director  
        Office of Planning

SUBJECT:   Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 233, 237 and 238

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Pat Keller

PK/JL

MICROFILMED



Code

# Enforcement

Baltimore County  
Department of Permits & Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt  
Zoning Commissioner

DATE: December 28, 1995

FROM: James H. Thompson - LW  
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 233  
PETITIONER: Theodoros Fotiou

VIOLATION CASE NO.: C-96-1751

LOCATION OF VIOLATION: 708 Aldworth Road  
Baltimore, Maryland 21222  
12th Election District

DEFENDANTS: Theodoros Fotiou  
708 Aldworth Road  
Baltimore, Maryland 21222

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

Mr. Robert Morris

710 Aldworth Road  
Baltimore, Maryland 21222

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/LW/hek

96-236-A

Tues 1-9-96 10 11E

DEC 29 1995



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 22, 1996

Mrs. Leola Sha<sup>r</sup>um  
710 Aldworth Road  
Baltimore, MD 21222

RE: Petition for Zoning  
Variance  
W/S Aldworth Road, 100' S  
of the c/l of Edworth Road  
(708 Aldworth Road)  
12th Election District  
7th Councilmanic District  
Theodoros Fotiou -  
Petitioner  
Case No. 96-236-A

Dear Mrs. Sha<sup>r</sup>um:

Please be advised that an appeal of the above-referenced case was filed in this office on April 25, 1996 by Theodoros Fotiou. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the typed name.

ARNOLD JABLON  
Director

AJ:rye

cc: Mr. and Mrs. Michael J. Franchetti, Sr.  
Mr. Robert Morris  
People's Counsel

MICROFILMED

APPEAL

Petition for Zoning Variance  
W/S Aldworth Road, 100' S of the c/l of Edworth Road  
(708 Aldworth Road)  
12th Election District - 7th Councilmanic District  
Theodoros Fotiou - Petitioner  
Case No. 96-236-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Protestant(s) Sign-In Sheet

Petitioners' Exhibit: 1 - Plat for Zoning Variance

Twelve Photographs Not Marked as Exhibits

Inter-Office Correspondence from James H. Thompson, Code Enforcement Supervisor, to Larry E. Schmidt, Zoning Commissioner, dated December 28, 1995

Letter from Lawrence E. Schmidt, Zoning Commissioner, to Theodoros Fotiou dated February 1, 1996

Letter from Errol Echer to Raymond Wisnom, Code Enforcement Supervisor, dated March 27, 1996 Accompanied by Automated Permit Tracking System General Permit Application Data

Six Letters of Opposition

Deputy Zoning Commissioner's Order dated April 4, 1996 (Denied)

Notice of Appeal from Theodoros Fotiou Received on April 25, 1996 by the Zoning Commissioner's Office

Copy of Appeal Letter Return Receipt from Theodoros Fotiou to Stella Lowery dated August 21, 1996

c: Mr. Theodoros Fotiou, 708 Aldworth Road, 21222  
Mrs. Leola Shaum, 710 Aldworth Road, 21222  
Mr. and Mrs. Michael J. Franchetti, Sr., 712 Aldworth Road, 21222  
Mr. Robert Morris, 7323 Kirtley Road, 21224  
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Timothy Kotroco, Deputy Zoning Commissioner  
Arnold Jablon, Director of PDM

MICROFILMED



APPEAL

Petition for Zoning Variance  
W/S Aldworth Road, 100' S of the c/l of Edworth Road  
(708 Aldworth Road)  
12th Election District - 7th Councilmanic District  
Theodoros Fotiou - Petitioner  
Case No. 96-236-A

- ✓ Petition for Zoning Variance
- ✓ Description of Property
- ✓ Certificate of Posting
- ✓ Certificate of Publication
- ✓ Entry of Appearance of People's Counsel
- ✓ Zoning Advisory Committee Comments
- ✓ Protestant(s) Sign-In Sheet
- Petitioners' Exhibit: ✓ 1 - Plat for Zoning Variance
- ✓ Twelve Photographs Not Marked as Exhibits
- ✓ Inter-Office Correspondence from James H. Thompson, Code Enforcement Supervisor, to Larry E. Schmidt, Zoning Commissioner, dated December 28, 1995
- ✓ Letter from Lawrence E. Schmidt, Zoning Commissioner, to Theodoros Fotiou dated February 1, 1996
- ✓ Letter from Errol Echer to Raymond Wisnom, Code Enforcement Supervisor, dated March 27, 1996 Accompanied by Automated Permit Tracking System General Permit Application Data
- ✓ Six Letters of Opposition
- ✓ Deputy Zoning Commissioner's Order dated April 4, 1996 (Denied)
- ✓ Notice of Appeal from Theodoros Fotiou Received on April 25, 1996 by the Zoning Commissioner's Office
- ✓ Copy of Appeal Letter Return Receipt from Theodoros Fotiou to Stella Lowery dated August 21, 1996

Shrum

c: \*Mr. Theodoros Fotiou, 708 Aldworth Road, 21222  
Mrs. Leola Shrum, 710 Aldworth Road, 21222  
Mr. and Mrs. Michael J. Franchetti, Sr., 712 Aldworth Road, 21222  
Mr. Robert Morris, 7323 Kirtley Road, 21224  
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Timothy Kotroco, Deputy Zoning Commissioner  
Arnold Jablon, Director of PDM

28 AUG 1996

MICROFILMED

11/27/96 -Notice of Assignment for hearing scheduled for Tuesday,  
February 11, 1997 at 10:00 a.m. sent to following:

Theodoros Fotiou  
Leola Shrum  
Mr. & Mrs. Michael J. Franchetti, Sr.  
Robert Morris  
People's Counsel for Baltimore County  
Lawrence E. Schmidt  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

---

2/11/97 -Hearing held and concluded; deliberated immediately after  
conclusion of case. Petition for Variance DENIED by CBA; written  
Opinion and Order to be issued; appellate period to run from date  
of written Order. (L.C.W.)

MICROFILMED

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF:   Theodoros Fotiou -Petitioner  
                          Case No. 96-236-A

DATE                   :   February 11, 1997 @ conclusion of hearing

BOARD /PANEL         :   Lawrence M. Stahl, Acting Chairman (LMS)  
                          Charles L. Marks                                 (CLM)  
                          Margaret Worrall                               (MW)

SECRETARY            :   Kathleen C. Bianco  
                          Legal Administrator

Those present at this deliberation, included Petitioner, Protestants, and the Office of People's Counsel, represented by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel.

LMS: We are not on the record. We have the Administrative Assistant of the Board who is taking notes. This is the deliberation portion of this matter. As I indicated, this is required under the law to be a public deliberation under the open meetings law. Let the record reflect my general and continued unhappiness with the process, and my continuing comment that our brethren and sisters in the Circuit Court and Rowe Boulevard would not want to labor under the same conditions.

Having said that, there are no comments in this deliberation. We are not here under a record. Notes are being taken for our use later on in putting together a written decision. And with that, Margaret?

MW: I've reviewed the file; looked at the exhibits coming in; and heard a lot of testimony. The issue here is really only one issue and that is the question of additions which have been built within the setback area. There was a good deal of testimony about the use of the subject property and whether there is more than one family living there, had lived there before, whatever. That is not the issue today. We are simply asked to decide within the law about the request for a variance from a 10' side yard setback.

Under 307.1, the standards for a variance are set forth. As the People's Counsel aptly described them, the first prong of the test is whether the property is unique from other properties in the area. It has to be different in some way that sets it apart and makes it unusual so that the setback could not be met in the way the other properties can meet theirs. There is nothing unique about this property. It is exactly like the others in the neighborhood. Therefore, there is simply no justification for a side yard variance. The variance must be denied and I believe that the structures must

MICROFILMED

be removed in such a way as to guarantee that the required 10' setback is honored.

CLM: Variances by their very nature are exceptions to the zoning laws. This body does not make the zoning rules and regulations. They are made by the County Council; made by elected representatives. The general body of the zoning regulations are shaped basically to protect the health, safety and general welfare of all citizens of Baltimore County. In compliance with the law, the rules and regulations are followed. If you are going to build an addition or alter a house, permits have to be issued, inspections made to insure electrical and plumbing meet Code requirements. If we permitted everyone to do what they wanted to do, it would be a chaotic society. This body here has to be very careful about granting variances. What we do is dictated basically by the Code, which sets forth specific standards, and also decisions which come to us from the Court of Special Appeals and the Court of Appeals, the highest court in the State. We are bound by the law to follow those decisions. There are a number of them, including Cromwell v. Ward and Chesterhaven case, which to lay persons do not mean much. But to us, it means more and more of those. In order for us to grant a variance, we must find the property unique, different or unusual. It can be by shape of land, topography, or a number of factors. But unless we find the land is unique or unusual, we cannot by law grant a variance. Based on the testimony and evidence, I can't find where this property is unique or unusual or different from any other townhouse in the area. The additions that were built by the Petitioner were done without a permit, without Baltimore County authority, and they do violate the setback requirements of the required 10' which are again thereby regulations and therefore enforced.

Having found that the property is not unusual or different, we do not have to go to the second prong, and even if we were to do so, it would be my conclusion that the Petitioner voluntarily put the additions on and if hardship, he created it himself. Any financial loss to tear it down is unfortunate, but that has to be the case.

Having found there is neither unique, unusual or different, we do not have to address the problem. I would deny on that basis alone. I would deny the variance and would support removal of the addition by the Petitioner within 45 days of our Order.

LMS: I have a couple of comments. When we apply the standard, it is to the property itself. It is the reason why questions about the size, lot, whether or not configuration of lot was any different, because the variance law and Cromwell sets out that when you have a piece of property different than others

in the area, that will sometimes produce a situation in which the zoning that applies to the others really would result in an improper and unfair result; hence the entire variance process. I agree that there is simply nothing unique about the physical structure of the property; that the topography, the lay of the land, shape, size of lot. And that we are constrained, we are literally forced, into a position where that being the case, a variance cannot and should not be granted. I feel, however, constrained to make several practical life and reality comments.

There has been -- because we will make our decision and go on, but the people who live on the street will still live there -- and the people will or will not continue to rent -- so I think comments about our position should be made.

Whether or not there were reasons why this violation came to the attention of the County -- in my mind, I think it clearly had nothing to do with the zoning or zoning violations. Our ruling that the additions need to be removed is not going to alter the permissive and permissible uses of the property. So that our ruling is not a panacea or an end, or change to what has been testified to relative to the use of the property.

The Petitioner will still, presuming they can conform with Baltimore County, rent the property to whomever and under whatever conditions the law allows. This rejection of a variance will not alter that. And that means that the neighborhood is still going to have to live with the realities of living and dealing with each other. People have lived in the neighborhood a long time, raised families, they live there, and will continue to utilize these properties. On behalf of the Board, I, and although we have not talked, I know I speak for all the members, we try to resolve the legal issues. The people issues will continue, and we can only hope that the neighborhood and the community will realize they still all need to be neighbors and live with the realities of what will happen as a consequence of our ruling.

Having said that, I agree that we should rule that the additions in violation of setback need to be removed. When you build something not according to the Code or with a variance, you do so taking a chance.

And for whatever reason it was brought to the County, it has been, and our hands are tied. I am concerned, however, about the degree we are requiring removal. There is a block wall and roof that has existed for over a large number of years. It was there before the Petitioner came, and I'm troubled about requiring him to remove all of that.

There is a difference between a carport and an addition. One

is an enclosed body; one is an open body. Different zoning requirements; will not suggest whether or not a carport is not in and of itself appropriate. But I would suggest to the two of you to bring the property back, that is the required removal of additions, but not that which was there when Petitioner moved into the property, that is the block wall and roof over it. He purchased that in good faith; testimony that there is another carport across the street. Once it's opened up, I do not see the fairness in requiring removal of the structure that's been there that long. I'm not sure whether or not things can be done about the water, but we are not addressing the water issue; it's not before us. It's an unfair result. I'm having a problem requiring that.

MW: I certainly understand the fairness issue. I don't personally have a problem with that. I'm not sure that we have the authority to make that...

LMS: I'm not sure we do actually. Whether or not it's a carport may alter it.

CLM: I think we really have to see what the original Petition says. What is being appealed here -- is it the whole structure or the portion built?

(NOTE: COPY ACCEPTED BY THE BOARD FROM MS. DEMILIO. The Board then came together in brief discussion of this matter.)

LMS: As a practical matter, our Order must call for removal of the entire structure. I personally think it might be -- and then that's what our Order must reflect. I personally think it might be personal, and in terms of community relationships, mistake if the parties to the case did not in fact resolve among themselves a procedure by which that structure, which had been there for 20+ years, would be allowed to remain. Removal might have more of a price than is necessary or healthful for the community.

Comment by Ms. Demilio (permitted by Board):

I do not want to speak out of turn, but, what I'm saying is you have to rule on the merits of what is there. You are encouraging dialogue between those property owners as to how to proceed, but you cannot order it; will not be a final order.

LMS: Absolutely it will not be. But it is a comment I am making simply out of an abundance of -- we have said on a lot of these cases and as I've heard before -- good counsel whispered in the ear of those involved.

Deliberation /Theodoros Fotiou -Petitioner /Case #96-236-A

MW: One thing I would also point out, and again I think the property owner should not be misled that he is indeed, and again we are not getting into the people issue, if indeed that carport violated the law, it has to also meet the 10' setback; somebody, someday may come along and say -- and indeed the County, because of this action, may come to inspect if it has been carried out.

LMS: Again, our order will be clean and clear. What happens beyond that is simply a suggestion as individuals --

CLM: I think we have another problem, Larry. This Order will be received by Permits and Development Management. They will see the entire Order; will send inspector down and will read that it was not granted as to the whole unit.

LMS: That unit absent those portions which may be okay under the zoning laws. That is something the parties might go forward with.

MW: But, okay if it meets the regulations and meets the law. I just caution the owner of the property that no matter what is agreed to privately, that does not exempt -- does not take away the fact that the regulations say what they say and you are legally required...

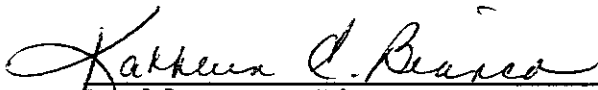
LMS: Anything that remains there will have to remain there if it meets qualifications and rules set down by Baltimore County agencies.

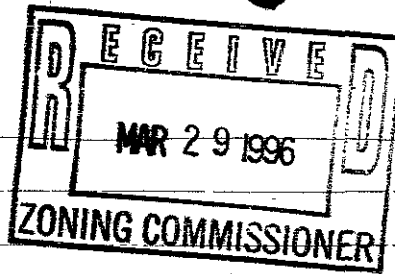
We thank you for being here. A written Order will be produced by the Board. It will be forwarded to all concerned, and any appeal, which is an appeal to the Circuit Court, will arise from the date of the written Order and not today's date.

Thank you very much.

\* \* \* \* \*

Respectfully submitted,

  
Kathleen C. Bianco  
Legal Administrator



3-27-96

P.  
Raymond Wisnau  
Chief of Code Enforcement

On March 27, 1996 I was asked to visit  
708 Atwood Rd.

Upon arriving at the location I viewed  
a row house that has 4 different small additions  
on it.

The addition that I was asked to observe  
has been built for a long time. It also has a  
window in the wall facing the side property  
line.

In viewing the location I was not  
positive about my focus on this job.

Respectfully  
Errol Lehn

Your honor, Mr. Kotyco:

Our records go back to 1988, there is no record  
of permits for any of these ~~permits~~ additions during  
that time period. Maybe they were built before 1988.  
At any rate, additions exist down one side and  
across the rear, with fire wall violations on both  
sides. Very small area left in rear yard, enough  
to park 2 cars.

Lehn

MICROFILMED



TIME: 10:36:27  
DATE: 03/27/96

AUTOMATED PERMIT TRACKING SYSTEM  
GENERAL PERMIT APPLICATION DATA

LAST UPDATE 11/09/95  
PLF 12:20:22

PERMIT #: B253672      PROPERTY ADDRESS  
RECEIPT #: A271698      708      ALDWORTH RD  
CONTROL #: MR      SUBDIV: BEVERLY HILLS  
XREF #: B253672      TAX ACCOUNT #: 1201085240      DISTRICT/PRECINCT 12      02  
OWNERS INFORMATION (LAST, FIRST)

FEE: 55.00      NAME: FOTIOU, THEODORE  
PAID: 55.00      ADDR: 708 ALDWORTH RD  
PAID BY: APPL

DATES      APPLICANT INFORMATION  
APPLIED: 11/09/95      NAME: THEODORE FOTIOU  
ISSUED: 11/09/95      COMPANY:  
OCCPNY:      ADDR1: 708 ALDWORTH RD  
                 ADDR2: BALTO MD 21222

INSPECTOR: 12R      PHONE #: 282 0803      LICENSE #:  
NOTES: KRA/SMD

PASSWORD :

ENTER - PERMIT DETAIL      PF3 - INSPECTIONS      PF7 - DELETE      PF9 - SAVE  
PF2 - APPROVALS      PF4 - ISSUE PERMIT      PF8 - NEXT PERMIT      PF10 - INQRY  
PANEL BP1004M

TIME: 10:36:32      AUTOMATED PERMIT TRACKING SYSTEM      LAST UPDATE 11/09/95  
DATE: 03/27/96      BUILDING DETAIL 1      PLF 12:19:29

PERMIT # B253672      PLANS: CONST 00      PLOT 1      TRACT:      BLOCK:  
                 TENANT      PLAT 0      DATA 0      EL 1      PL 2  
BUILDING CODE: 2      CONTR: OWNER  
IMPRV 2      ENGR:  
USE 01      SELLR:

FOUNDATION      BASE      WORK: CONSTRUCT ENCLOSED PORCH ON SIDE OF EX.SFTH  
CONSTRUC FUEL SEWAGE WATER      2 HOUR NON-COMBUSTIBLE PARTY WALL W/NO OPENINGS  
                 1E      1E      ON O'SETBACK SIDE. 9.62'X20'X12'=193SF  
CENTRAL AIR      FLOOD ZONE-C

ESTIMATED COST  
1,500      PROPOSED USE: SFTH & ADDITION

OWNERSHIP: 1      EXISTING USE: SFTH

RESIDENTIAL CAT: 4

#EFF:      #1BED:      #2BED:      #3BED:      TOT BED:      TOT APTS:  
1 FAMILY BEDROOMS:      PASSWORD:

ENTER - NEXT DETAIL      PF2 - APPROVALS      PF7 - PREV. SCREEN      PF9 - SAVE  
PF1 - GENERAL PERMIT      PF3 - INSPECTIONS      PF8 - NEXT SCREEN      CLEAR - MENU  
PANEL BP1005M

TIME: 10:36:42      AUTOMATED PERMIT TRACKING SYSTEM      LAST UPDATE 11/09/95  
DATE: 03/27/96      BUILDING DETAIL 2      PLF 12:19:29

PERMIT #: B253672      BUILDING SIZE      LOT SIZE AND SETBACKS  
FLOOR: 193      SIZE: 0026.42 X 0100.00  
WIDTH: 9.62'      FRONT STREET:  
DEPTH: 20'      SIDE STREET:  
POWDER ROOMS:      HEIGHT: 12'      FRONT SETB: NC  
BATHROOMS:      STORIES: 1      SIDE SETB: 0'/NC  
KITCHENS:      SIDE STR SETB:  
                 LOT NOS: 19      REAR SETB: NC  
                 CORNER LOT: N

ZONING INFORMATION      ASSESSMENTS  
DISTRICT:      BLOCK:      LAND: 0021000.00  
PETITION:      SECTION:      IMPROVEMENTS: 0053910.00  
DATE:      LIBER: 001      TOTAL ASS.:  
MAP:      FOLIO: 040  
                 CLASS: 04

PLANNING INFORMATION  
MSTR PLAN AREA:      SUBSEWER:      CRIT AREA:      PASSWORD:

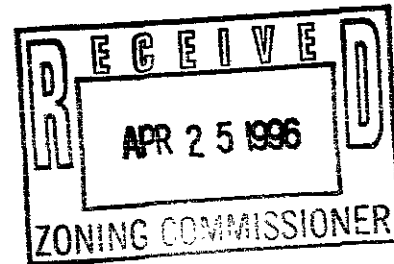
ENTER - NEXT DETAIL      PF2 - APPROVALS      PF7 - PREV. SCREEN      PF9 - SAVE  
PF1 - GENERAL PERMIT      PF3 - INSPECTIONS      PF8 - NEXT SCREEN      CLEAR - MENU

MICROFILMED

*File*

**Theodoros Fotiou  
708 Aldworth Rd.  
Baltimore, MD 21222**

*288-9723*



The Honorable Timothy M. Kotroco  
Baltimore County Zoning Commissioner  
Office of Planning & Zoning  
Ste. 112 Courthouse  
400 Washington Ave.  
Towson, MD 21204

**RE: Appeal Decision for Variance  
w/s Aldworth Rd., 100's of the c/l of Edworth Rd.  
(708 Aldworth Road)  
12th Election District - 7th Councilmanic District  
Theodoros Fotiou - Petitioner  
Case No. 96-236-A**

Dear Mr. Kotroco:

I am appealing the conclusion you came to on April 4, 1996, regarding Case No. 96-236-A, as the information presented as fact that led you to your conclusion is not true in its entirety.

I purchased the property known as 708 Aldworth Road approximately seven years ago. Yes, there is a paved driveway in the back, and there was a cinderblock structure on the south side of the home with windows and doors. Not "the carport" stated in the records by those who oppose this variance.

When I originally built the addition, going in-line with the existing structure, there was a need to keep water from seeping into the basement. I also thought it would be nice to have somewhere to sit outside in the summer to have a meal and not be bothered by the insects.

The home was bought with a kitchen installed on the second floor; it had been there at least 20 years. It is true that I had been renting out the home, but it had been rented from before I moved in. As soon as I found out that this wasn't allowed, my son and I removed the second-floor kitchen immediately. We didn't need an extra kitchen. (It had been there for many years, probably from the 1950's.)

My home is a single-family dwelling and will remain so. My son simply sleeps in the basement; that's all.

We have put \$15,000.00 into the porch -- a lot of hard work, time and effort. During its construction, friends and neighbors were admiring it and even offered to help at times.

If there were any concern about the porch being structurally sound, no one

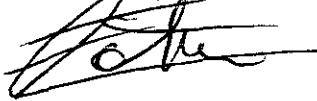
MICROFILMED

voiced it or showed it at that time. Why did they wait 3½ years to voice their displeasure?

If any adjustments need to be made, I am more than willing to make those necessary changes. Also, if relief can be granted from (section 1B02.3.B) (section VI, 1953) in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured, I will be much obliged to meet any requirements.

Thank you for your time and cooperation on this matter. I hope a reasonable solution can be agreed upon.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Ted Fotiou', with a stylized flourish at the end.

Ted Fotiou

TF:sse  
Enclosures

MICROFILMED

TED FOTIOU  
708 ALDWORTH RD  
BALTIMORE 21222  
MD

TO: ATT: TIMOTHY M. KOTROCO

BALTIMORE COUNTY ZONING COMMISSIONER  
OFFICE OF PLANNING & ZONING  
Ste. 112 COURT HOUSE  
400 WASHINGTON AV  
TOWSON, MD 21204

4461

P133 A-96

42796  
J  
JO NW

704 Aldworth Road  
Baltimore, MD 21222-1304  
24 February 1996

Permits and Licenses  
County Office Building  
111 West Chesapeake Avenue  
Towson, MD 21204

B 253672  
DIST 12 PREC 2

RE: Case No. 96-236-A, 708 Aldworth Road

To Whom It May Concern:

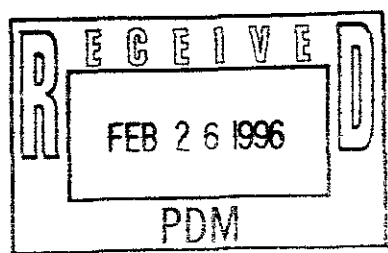
As a homeowner in the neighborhood of the referenced property, I have serious concerns surrounding 708 Aldworth Road. No permit was displayed at the time of the construction in question. The addition contains a bathroom outside of the original structure and allows the owner to rent out all three floors. These 16 foot row homes were originally designed as single family residences. 708 Aldworth creates enough problems being rented to two. It should not be permitted to rent to three. On the street parking is difficult enough without three sets of cars from one residence. Our alley is too narrow for parking.

708's addition started as an awning the length of the house and was turned into a couple of rooms and a bathroom. If this is excused, does that give the owner the incentive to create another room in the front of the house, where he also constructed an awning without a permit?

I have serious concerns for the safety of the surrounding houses. Because these additions were constructed without a permit, they were constructed without safety inspections. Are these structures sound? Do they pose any threat to the houses around them? Do they meet safety standards for fire, plumbing, construction?

These additions are UNATTRACTIVE and a neighborhood eye-sore.

And lastly, I am concerned for the downfall of the neighborhood. This neighborhood of small rowhomes is still attracting young families with two or more incomes. If the owners of 708 continue to rent to short-turn-around renters, more and more of us may be tempted to move eisewhere.



*Stewart Emmerich*  
*Florence B. Emmerich*  
STEWART & FLORENCE B. EMMERICH

MICROFILMED

- >

I checked the property 2.29.96 and all the additions appear to be very old. I'm not sure where the addition covered by this permit will be located. There are no inss made on this permit at this time. probably

Sloan B. Miller  
709 Aldworth Road  
Baltimore, Md. 21222  
H (410) 282-5457

3/20/96  
f  
TO PS

March 18, 1996

Mr. Arnold Jablon  
Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Md. 21204

Dear Mr. Jablon,

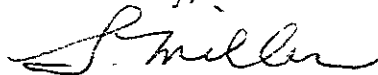
I am writing in regards to case number 96-236-A (item 233).

In respect to the zoning variation permit requested by the owners of the property located at 708 Aldworth Road, I would like to offer my objection for the following reasons.

- A) The lean-to already erected offers an unsightly appearance.
- B) The building appears to currently being used as an additional living quarters to the house.
- C) The building completely blocks the viewing area from my property.
- D) Judging by the number of people going in and out of the building, it would seem to be occupied by a number of different families and/or persons.
- E) The number of cars and trucks used by persons living in the house are depriving other residents of the block of much needed parking spaces which are already insufficient in number.

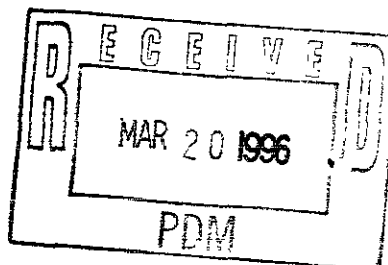
I will greatly appreciate it if you will take the above concerns in to consideration when making the decision regarding this permit.

Sincerely,



Sloan B. Miller

MICROFILMED



96-1308

Theresa Foley  
707 Aldworth Road  
Baltimore, Md. 21222  
H (410) 285-2557

3/21/96  
8  
10 13 p file

March 18, 1996

Mr. Arnold Jablon  
Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Md. 21204

Dear Mr. Jablon,

I am writing in regards to case number 96-236-A (item 233).

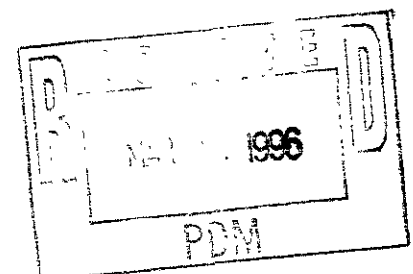
In respect to the zoning variation permit requested by the owners of the property located at 708 Aldworth Road, I would like to offer my objection for the following reasons.

- A) The lean-to already erected offers an unsightly appearance.
- B) The building appears to currently being used as an additional living quarters to the house.
- C) The building completely blocks the viewing area from my property.
- D) Judging by the number of people going in and out of the building, it would seem to be occupied by a number of different families and/or persons.
- E) The number of cars and trucks used by persons living in the house are depriving other residents of the block of much needed parking spaces which are already insufficient in number.

I will greatly appreciate it if you will take the above concerns in to consideration when making the decision regarding this permit.

Sincerely,  
*T. Foley*  
Theresa Foley

MICROFILMED





96-1246

Charles & Norma Knepp  
716 Aldworth Road  
Baltimore, Maryland 21222

3/19/96  
8  
JO HS  
for file

March 18, 1996

Baltimore County  
Department of Permits &  
Development Management  
Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case Number: 96-236-A (item 233)  
708 Aldworth Road  
Therodoros Fotiou

Attention: Arnold Jablon, Director

Gentlemen:

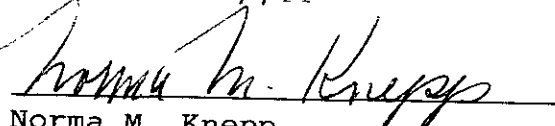
As homeowners in the 700 blk of Aldworth Road, we protest  
a change of variance in the above captioned case.

We stongly request that the variance remain at 10 feet.

The structure is an eye sore to the neighborhood and  
if everyone decided to do such a thing, the appearance of our  
area would fast go downhill.

Sincerely,

  
Charles M. Knepp

  
Norma M. Knepp

MICROFILMED

267/91  
cf  
TO JT

Walter Polomski  
706 Aldworth Road  
Baltimore, MD 21222

Feb. 23, 1996

Permits and Licenses  
County Office Building  
111 West Chesapeake Avenue  
Towson, MD 21204

Case No: 96-236-A  
708 Aldworth Road

Dear Sirs:

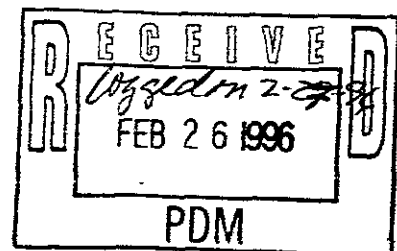
I live next door to 708 Aldworth Road. I am upset by the illegal additions put on the front, side, and back of 708. I worry every time there is a heavy wind or heavy rain that my property might suffer damage caused by the poor construction of one of these additions. I also worry that frozen pipes from the bathroom on the outside of the house or run off rain water or melting snow could cause me to have water or sewage problems on my property.

Besides doubts about the safety of the rooms on the side of 708, I do not like the looks of these added rooms, especially because they are so close to the next property.

Sincerely,

*Walter M. Polomski*

Walter Polomski



MICROFILMED

1/16/96

8  
to 51

96-236-A

1-6-96

To whom it may concern,

I would like to state my objection to an addition of a room, shed, apartment or however the structure is classified to the side of the house located at 708 Aldworth Road, Dundalk, Md. 21222.

It is my understanding this structure is being used as an apartment, occupied by several different people.

It is fact, this is the case the property value of my house and my neighborhood would be affected.

It also breaks the continuity of the houses, with an appearance of a "shorty".

There also, is the potential for the wrong element to move into our fairly crime free neighborhood.

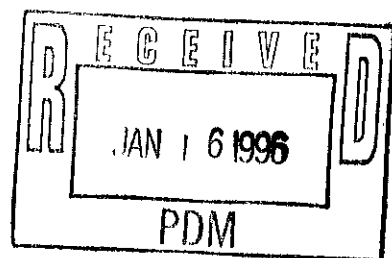
I am told there is a court case pending under (96-236-A).

Sincerely

H. De Loir

MICROFILMED

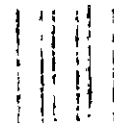
Harry De Loir  
761 Aldworth Rd.  
Baltimore, Md. 21222  
410-285-2680



DATE 8/21/91  
TIME 3:35 PM

# SPECIAL ATTENTION

TO MRS. STELLER  
FAX 9187 5111  
10 135 1663



RECEIVED  
AUG 22 1991  
FBI - MEMPHIS

MICROFILMED

YOUR RETURN ADDRESS AND PHONE NUMBER

Domestic Return Receipt

Signature: *[Handwritten Signature]*

Date: *[Handwritten Date]*



### PROTESTANT(S) SIGN-IN SHEET

**NAME**

NAME  
Robert Morris

Mr & Mrs Michael J. Franchetti Jr.

Mrs. Leola Shanon

**ADDRESS**

2323 Kirtley Rd. GA Hb. Md. 21224

712 Aldworth B/c 21222 ml.

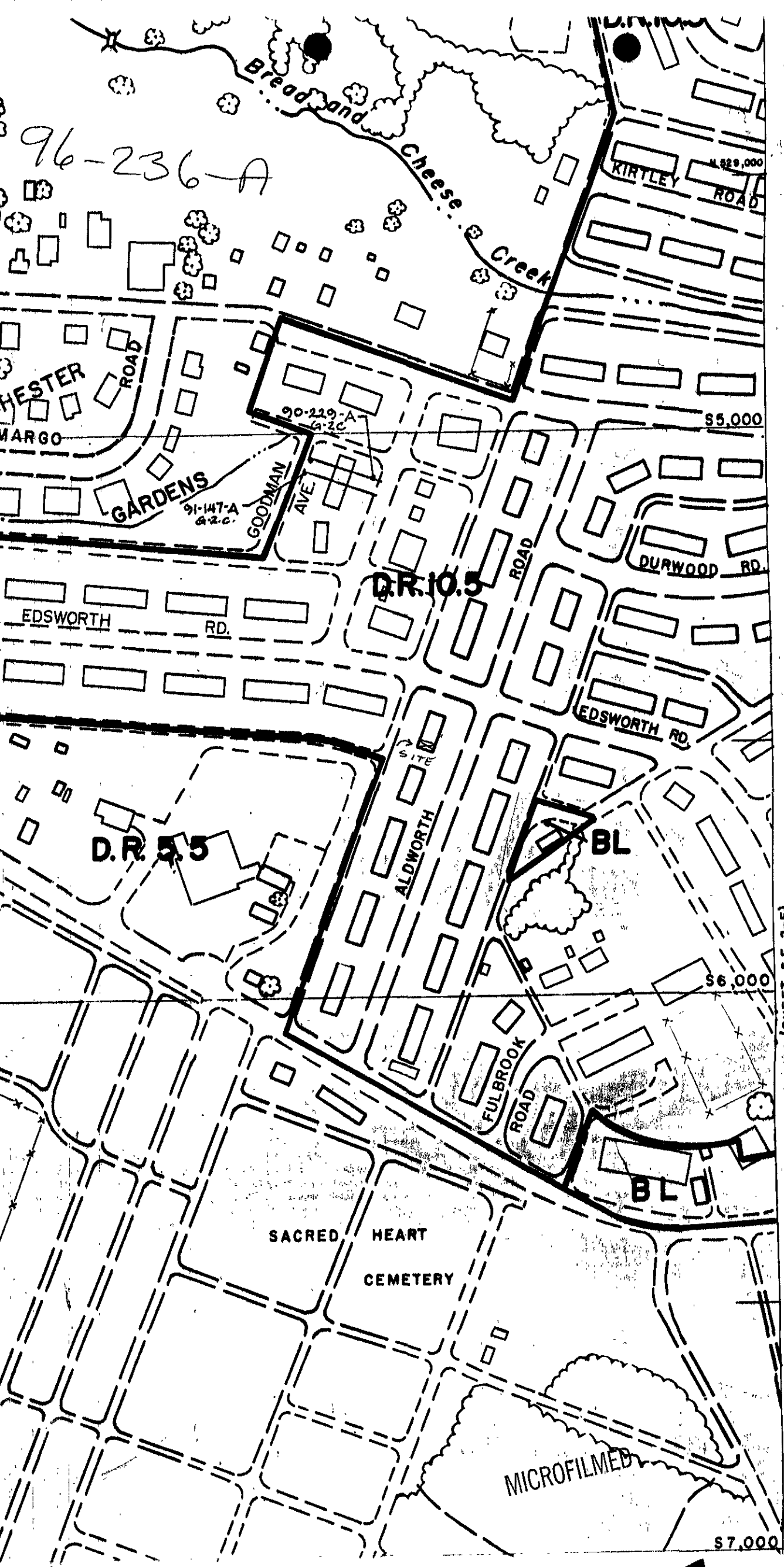
710 Aldworth Rd. 21222

MICROFILMED



P.C.  
Exh. #1

MICROFILMED



SE 2E

#233

(SHEET S.E. 2-F)

MICROFILMED

\$7,000



**CERTIFICATION:** THIS IS TO CERTIFY THAT THE IMPROVEMENTS INDICATED HEREON ARE  
LOCATED AS SHOWN. THIS IS NOT A PROPERTY LINE SURVEY AND SHOULD NOT  
BE USED AS SUCH.



*Steven K. Broyles*  
**STEVEN K. BROYLES** MD. REG. NO 10860

#233

Plat for Zoning Variance  
for a 0' side setback

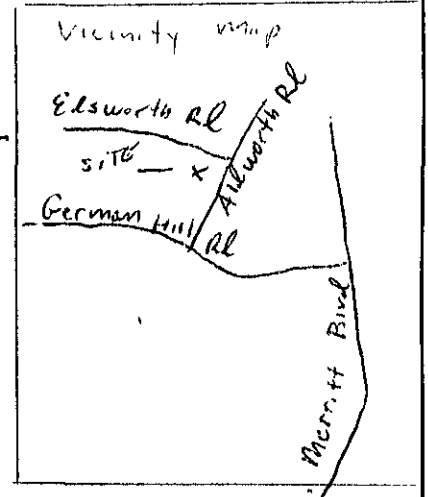
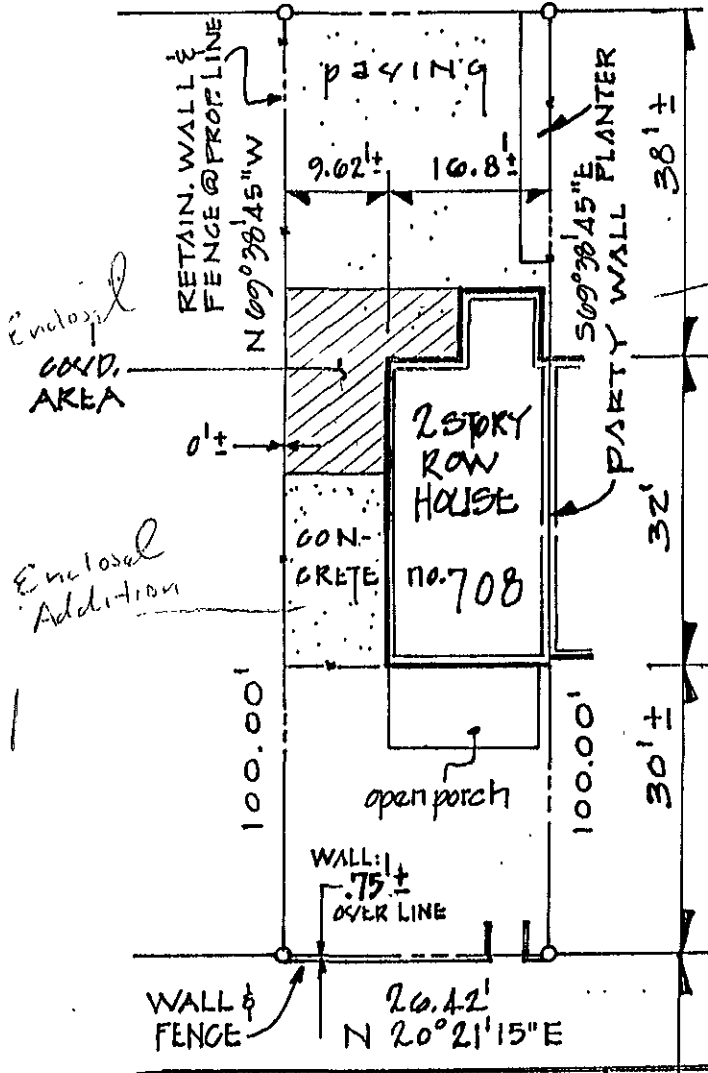
Owner: Theodoros Fotiou

96-236-A

SE 2E - 200' scale map

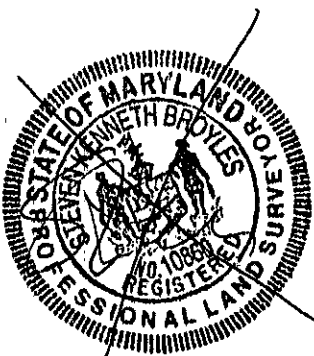
20' Alley

N 20° 21' 15" E  
20.42'



100 ft S  
CL of Edsworth Pl.

Ref Ex #1



**ALDWORTH ROAD**

2,642 ±  
0.06 Ac.

**MICROFILMED**  
Zoned DR10.5  
12th E.D.  
7th C.D.

BEING KNOWN AS LOT 19 BLOCK • SECTION • PLAT 5  
AS SHOWN ON A PLAT ENTITLED PLAT No. 5

**BEVERLY HILLS**

RECORDED IN THE LAND RECORDS OF  
BALTIMORE COUNTY, MARYLAND IN  
PLAT BOOK GLB 19 FOLIO 40 PLAT NO. •

HOUSE LOCATION FOR

708 ALDWORTH ROAD  
BALTIMORE COUNTY, MARYLAND

FLOOD ZONE: 'C' Not within Critical Area

SCALE: 1" = 20'  
DATE: Aug. 22, 1990

FILE NO.  
B.H. NO. 090095.275

Ret. #1

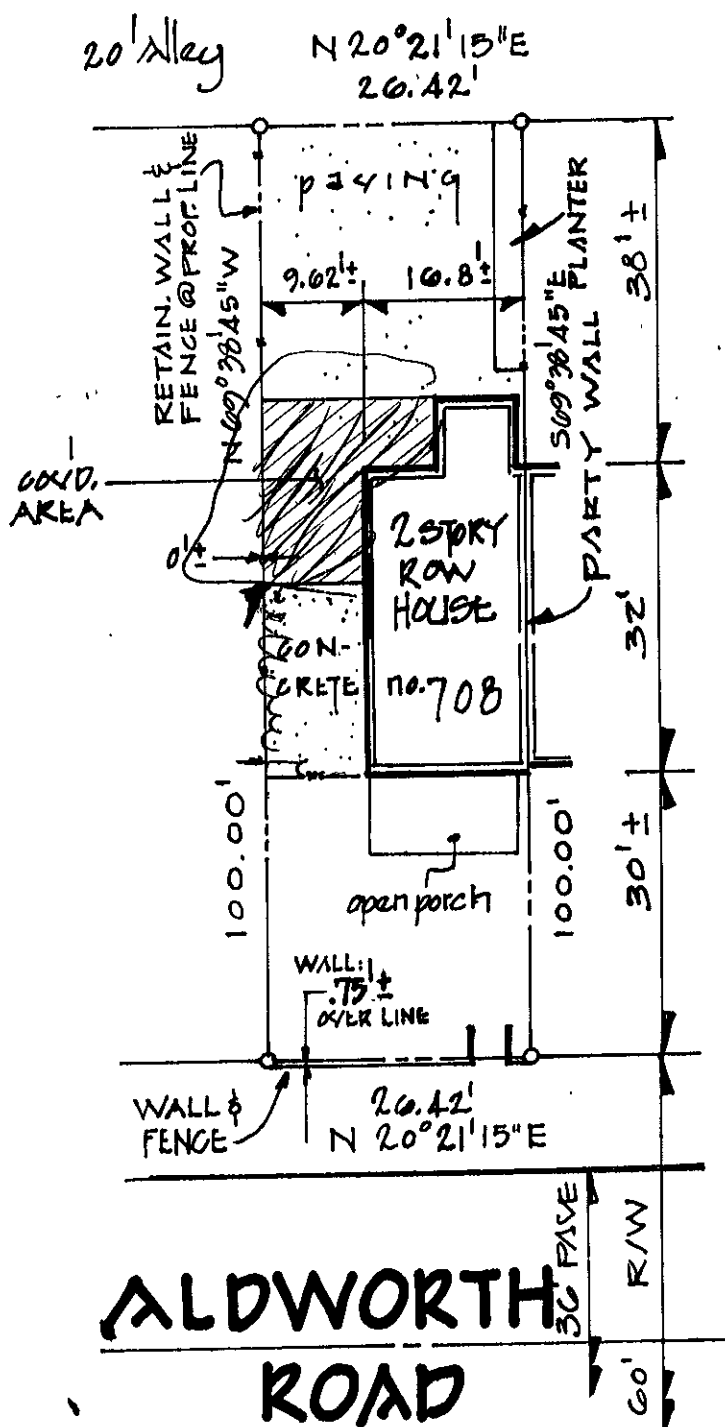
**BROYLES, HAYES & ASSOC.**  
ENGINEERS • DESIGNERS • SURVEYORS

1922 MIDDLEBOROUGH RD.  
BALTO., MD. 21221  
(301)-574-2227

**CERTIFICATION:** THIS IS TO CERTIFY THAT THE IMPROVEMENTS INDICATED HEREON ARE  
LOCATED AS SHOWN. THIS IS NOT A PROPERTY LINE SURVEY AND SHOULD NOT  
BE USED AS SUCH.



*Steven K. Broyles*  
**STEVEN K. BROYLES** MD. REG. NO 10860



**ALDWORTH  
ROAD**

MICROFILMED

BEING KNOWN AS LOT 19 BLOCK • SECTION • PLAT 5  
AS SHOWN ON A PLAT ENTITLED PLAT NO. 5

**BEVERLY HILLS**

RECORDED IN THE LAND RECORDS OF  
BALTIMORE COUNTY, MARYLAND IN  
PLAT BOOK GLB 19 FOLIO 40 PLAT NO. •

HOUSE LOCATION FOR

708 ALDWORTH ROAD  
BALTIMORE COUNTY, MARYLAND

FLOOD ZONE: 'C'

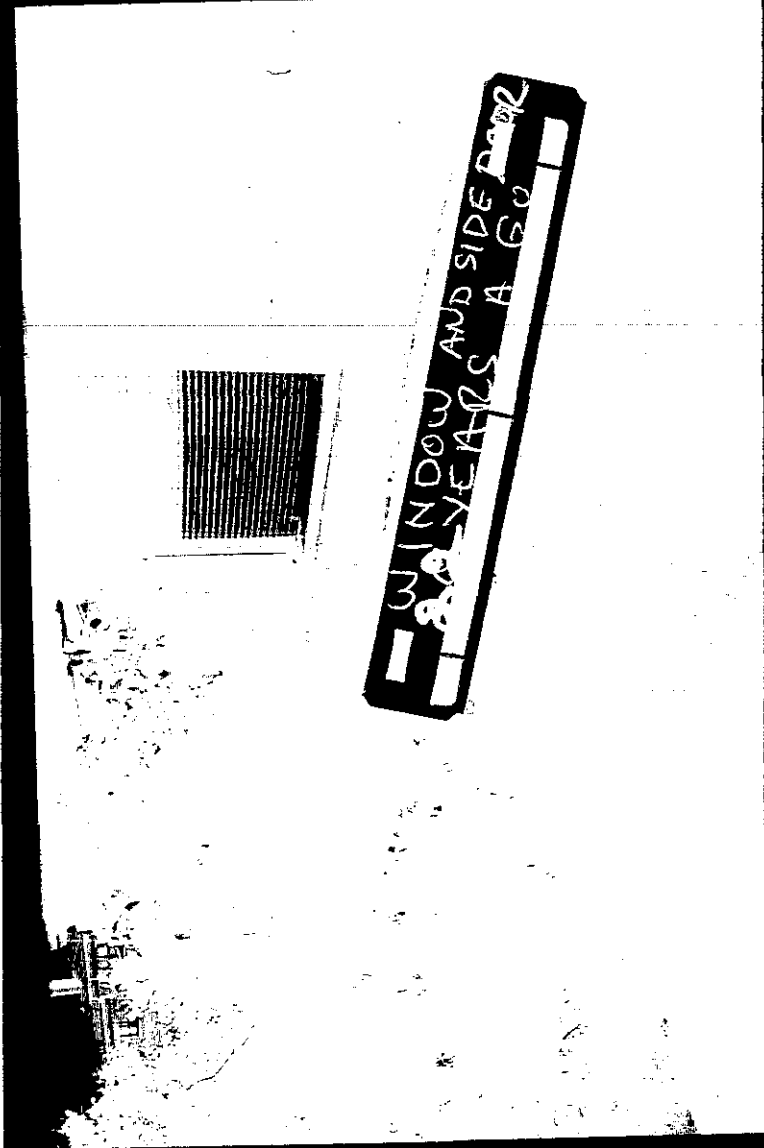
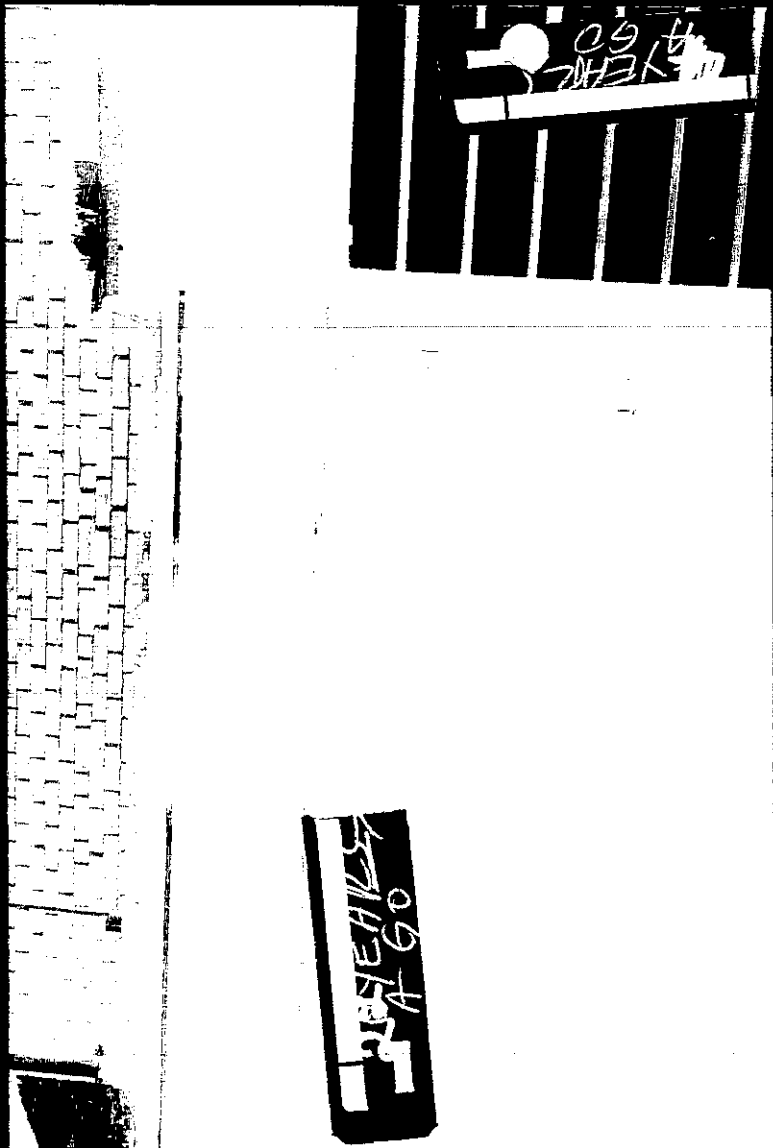
SCALE: 1" = 20'  
DATE: AUG. 22, 1990

FILE NO.  
B.H. NO. C90095.275



Per. 2A

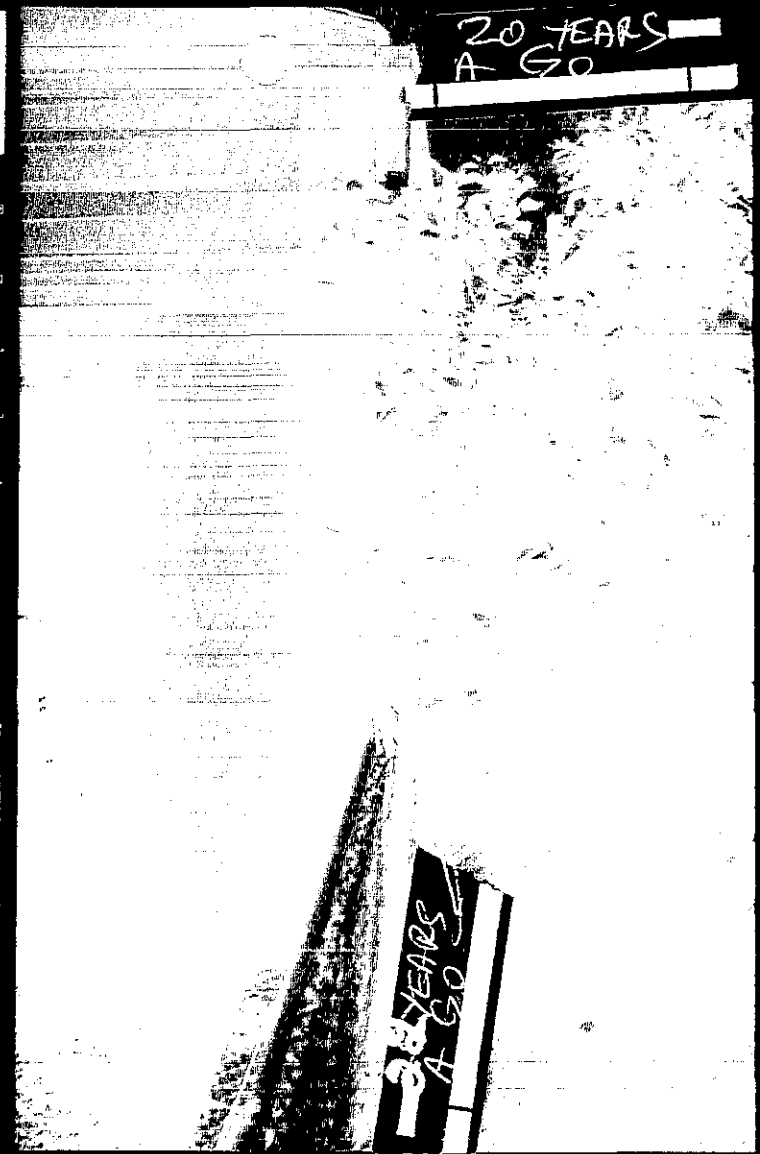
MICROFILMED



Ret. 2B



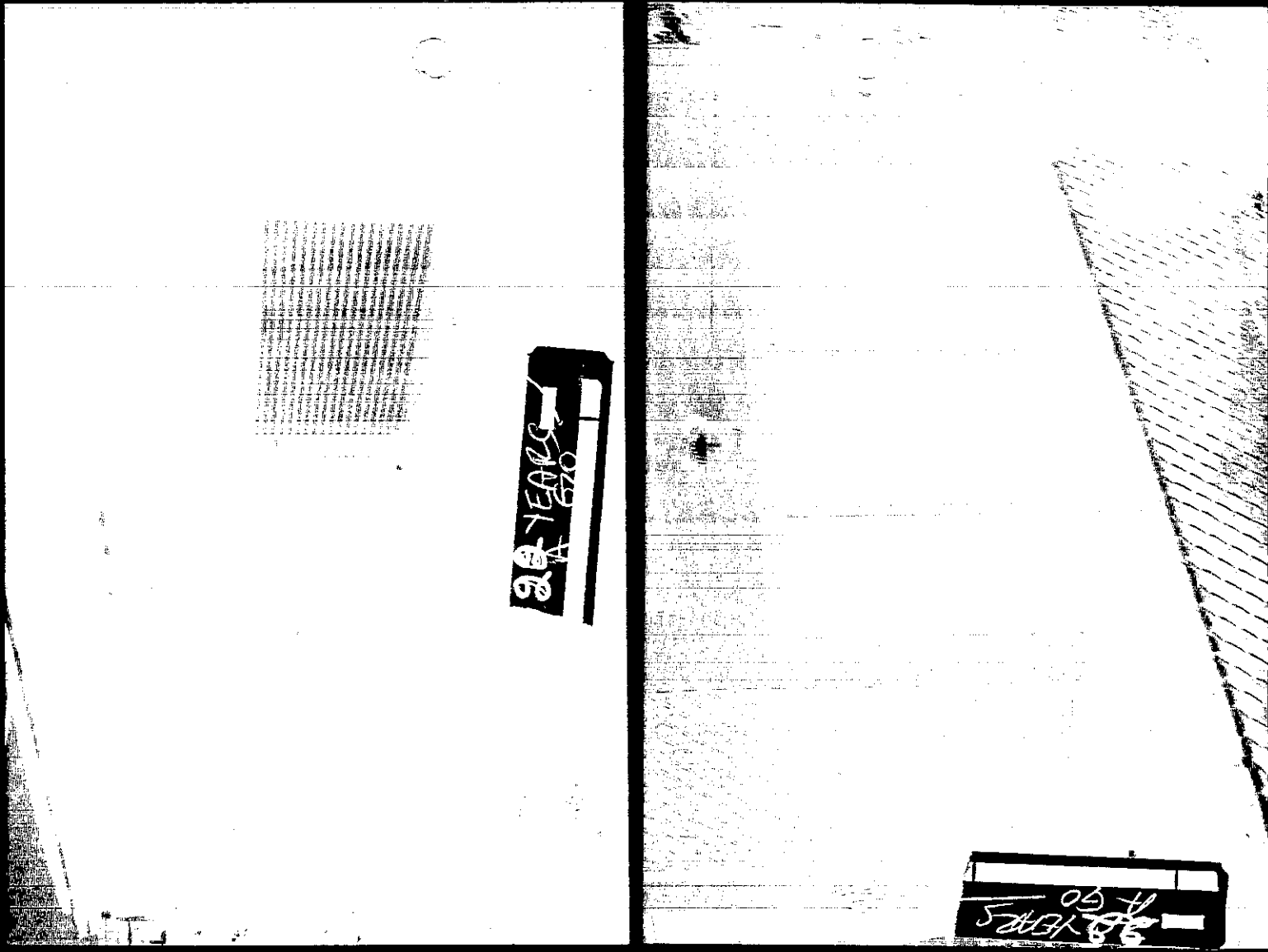
MICROFILMED



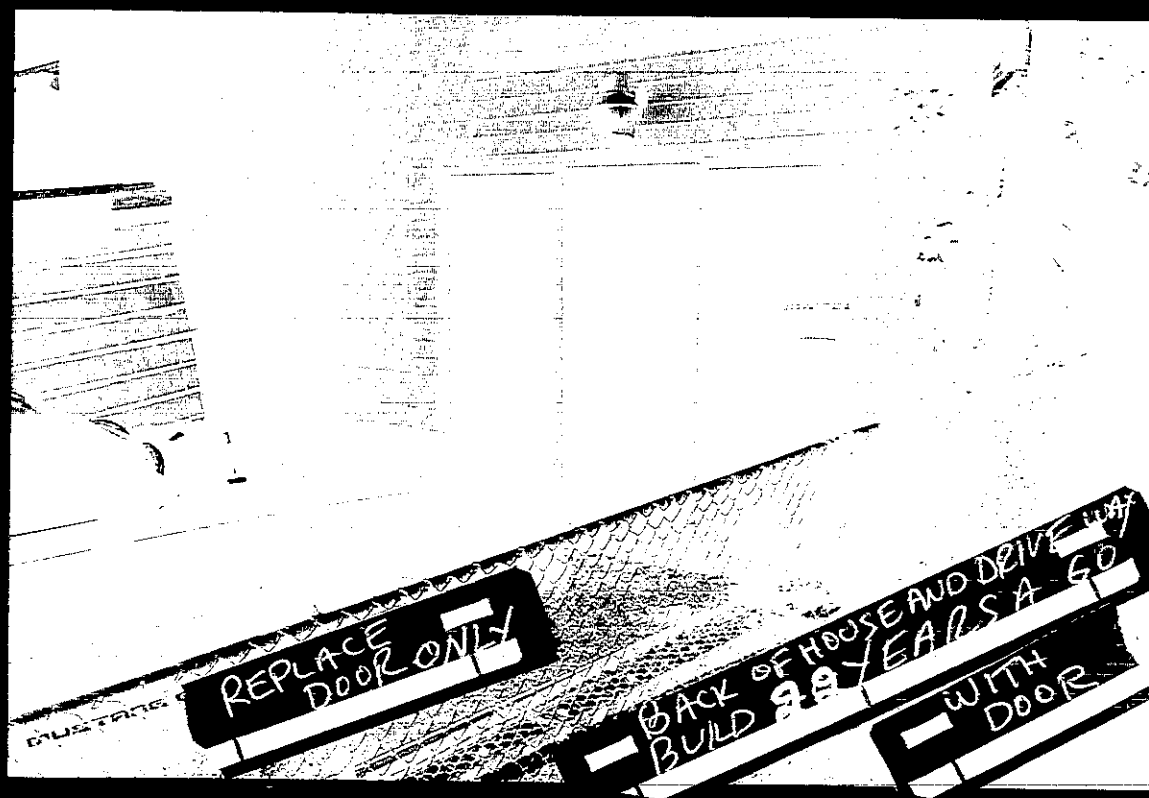
Pet. 20



MICROFILMED



Per. 2D



MICROFILMED

Pet. 2E



20 YEARS A GO

20 YEARS A GO

MICROFILMED



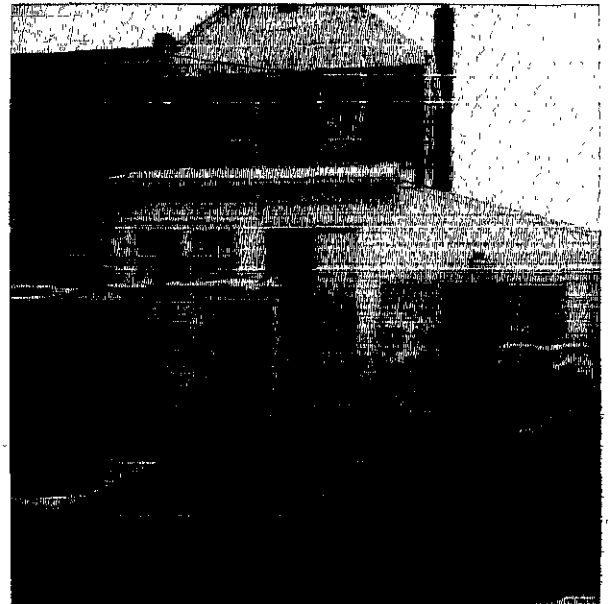
Prot. 1A



Prot. 1B



Prot. 1C

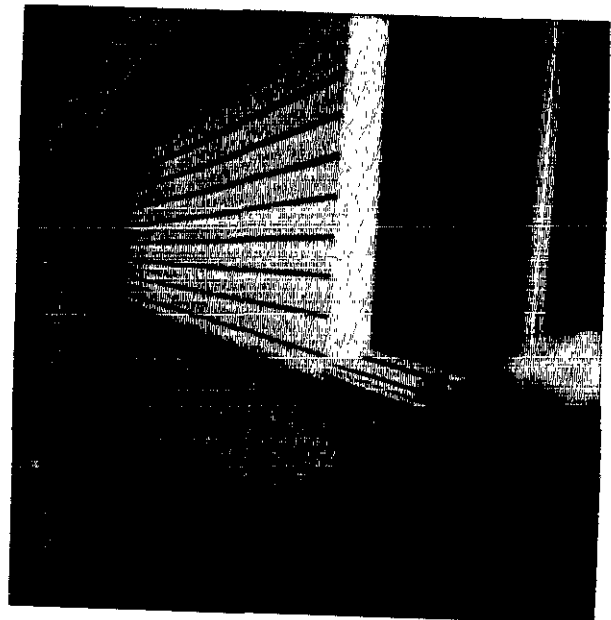


Prot. 1D



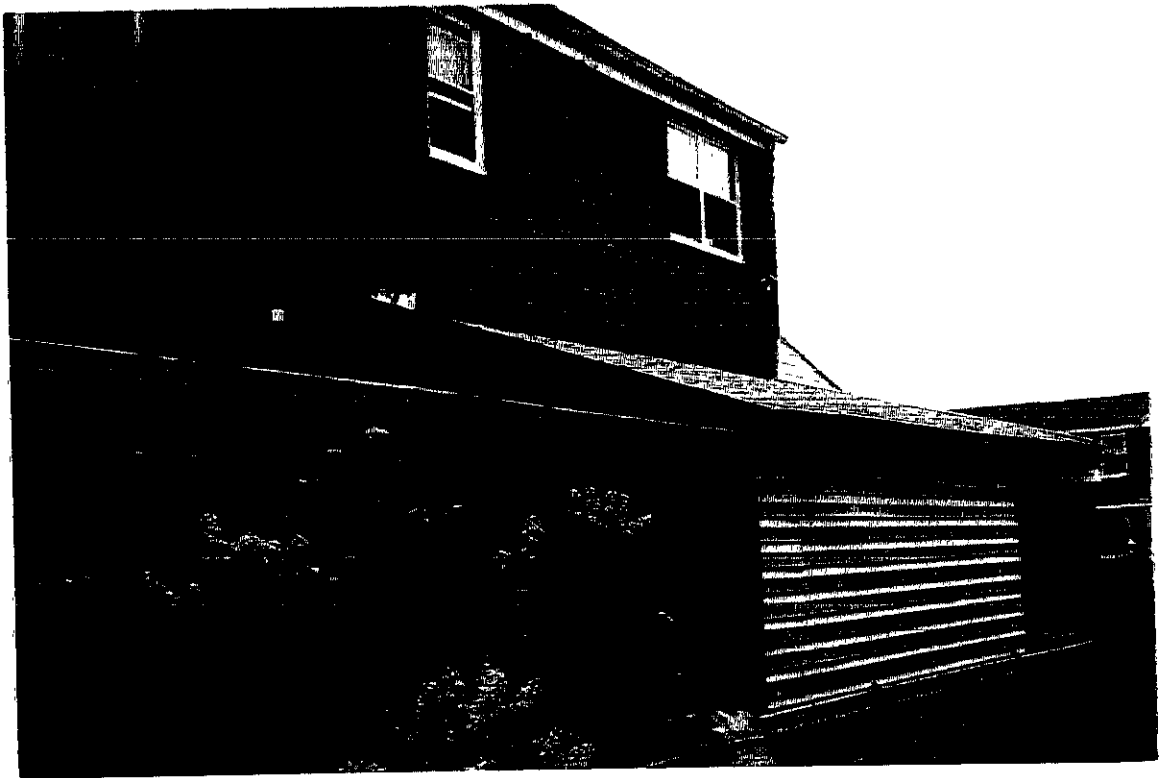


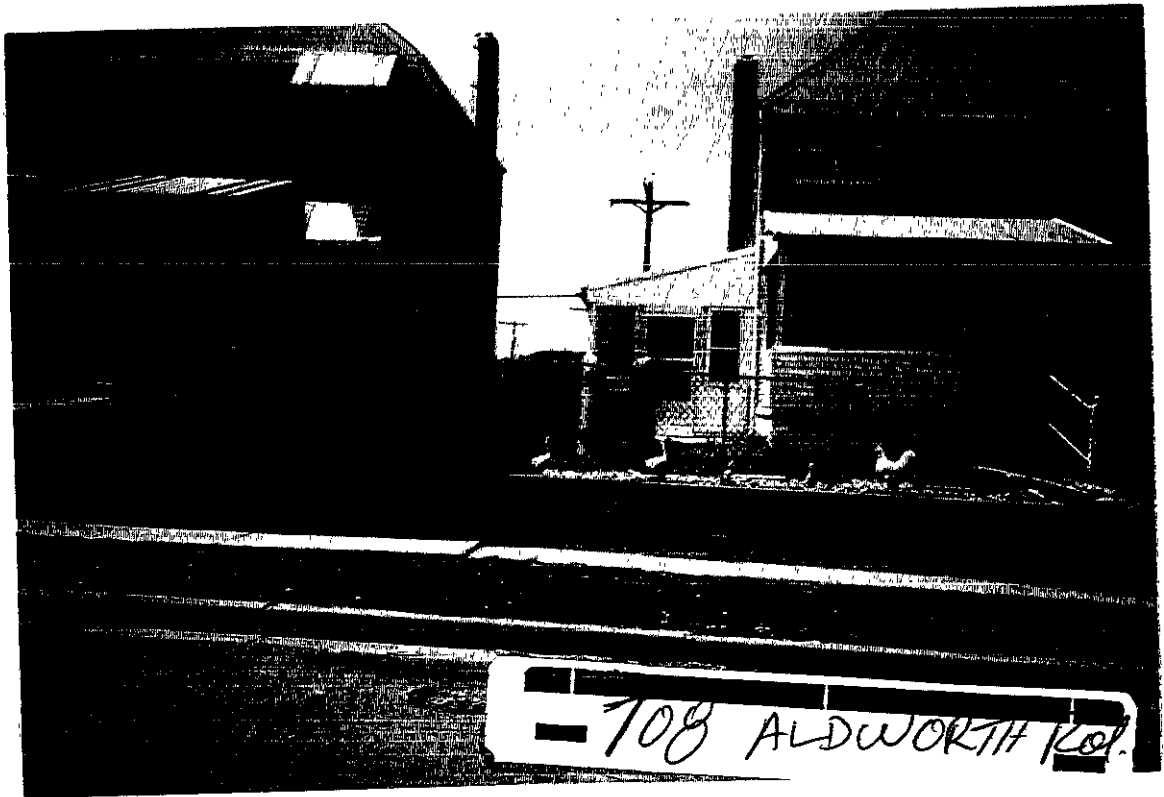
PHOT. 1F



PHOT. 1E



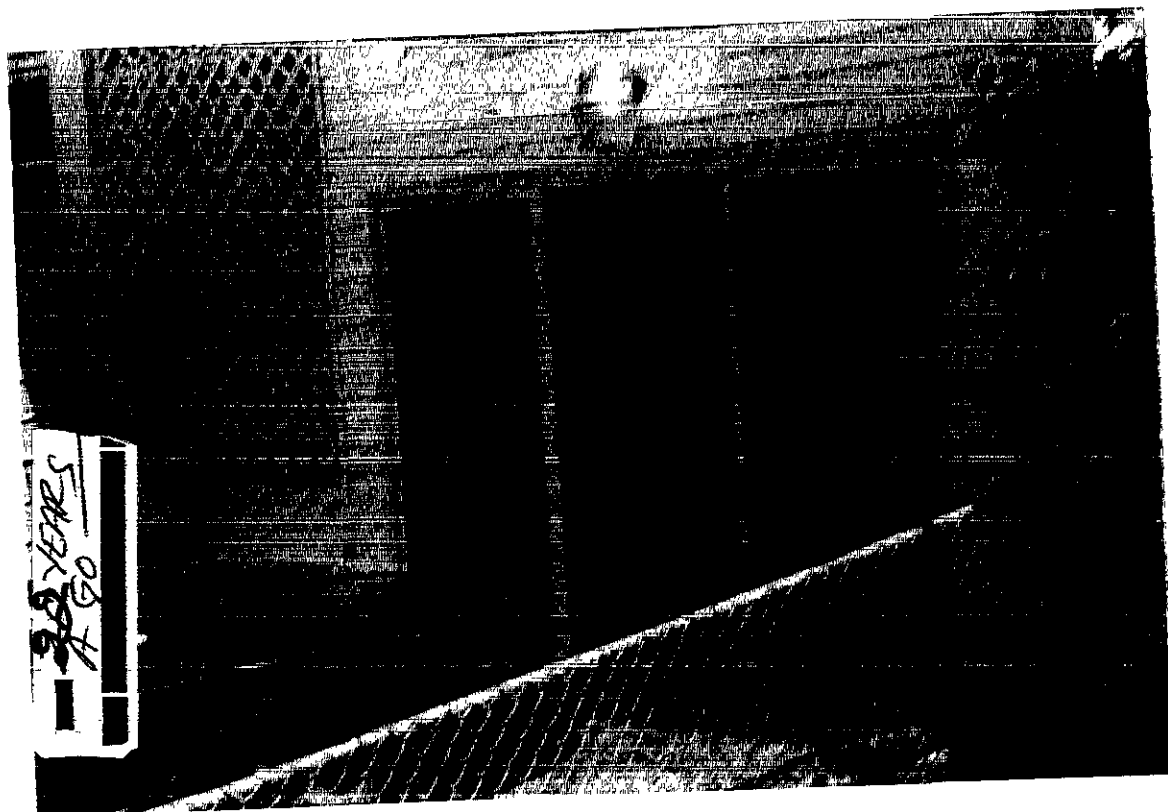




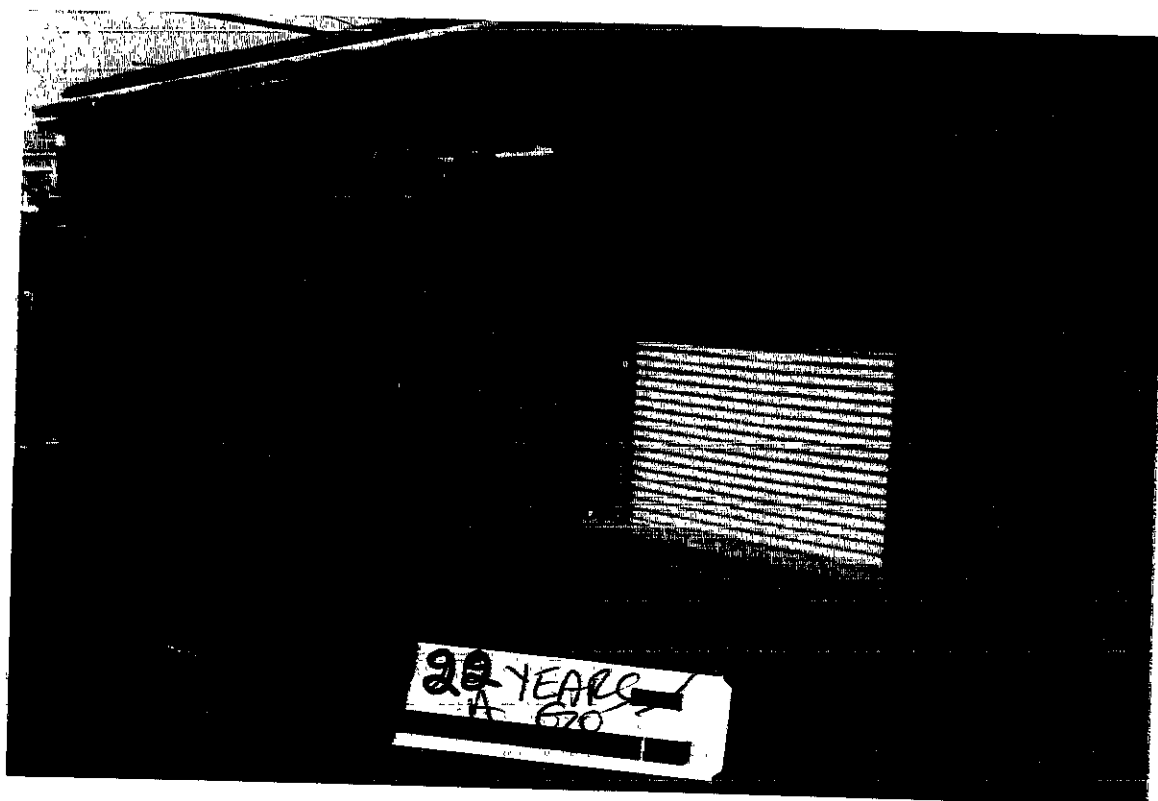
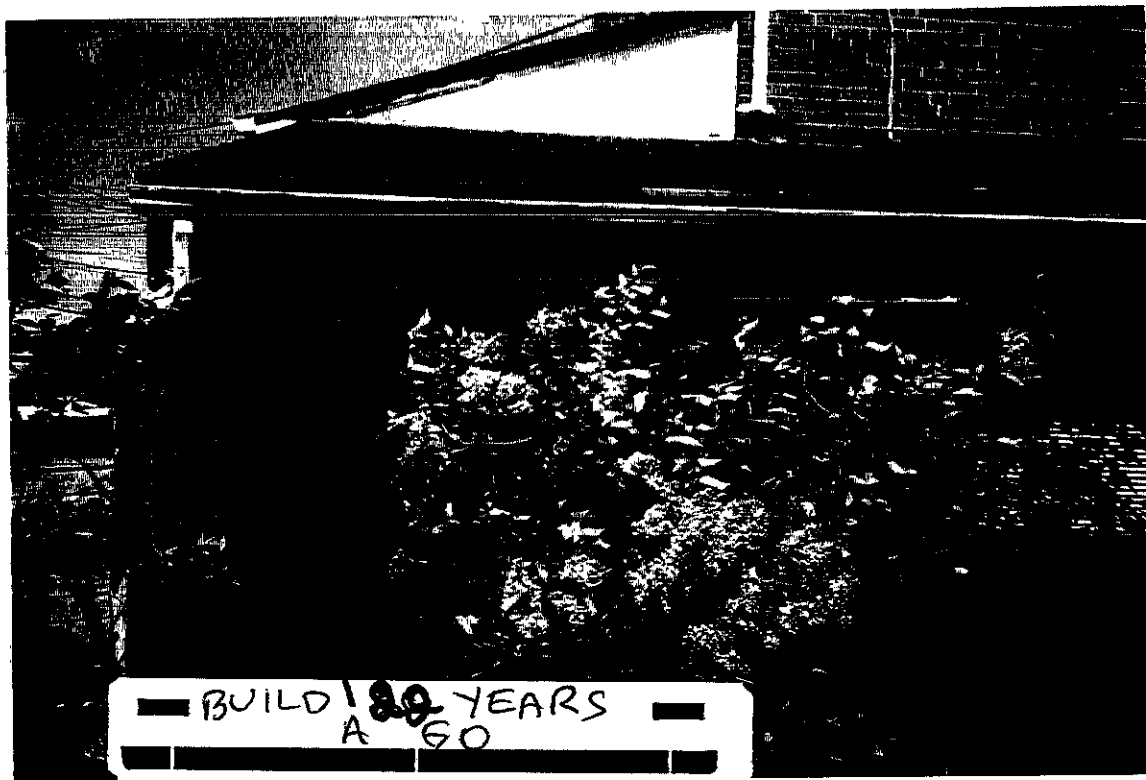


96-236-A Protestants 1A-1K (11 photos)  
~~Rebutals~~

MICROFILMED











20 YEARS  
A GO

20 YEARS  
A GO



CASE NO

96-236-A

Vol 96-236-A

TO:

BALTIMORE COUNTY ZONING COMMISSIONER  
OFFICE OF PLANNING & ZONING

Ste. 112 Courthouse

400 WASHINGTON AVE

TOWSON 21204

MD